IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent

In re patent application of: CHARTERS ET AL.

Serial No.: 10/018,054   Examiner: Unassigned

Filed: December 14, 2001   Art Unit: Unassigned

For: METHOD OF FORMING AN OPTICAL   Docket No.:

WAVEGUIDE DEVICE   P07446US00/RFH

REVOCATION/ERROR IN SMALL ENTITY STATUS

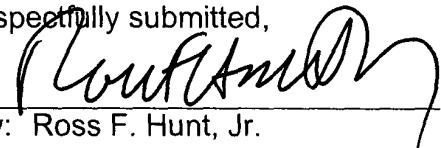Commissioner for Patents
Washington, D.C.

S I R:

    Small entity status for this application was initially established when the application was filed and the initial filing fee paid. Since then, an assignment of the invention to a large entity has occurred. However, while it is believed that small entity status was proper at the time of filing as there was no assignment or definite obligation to assign the invention to a large entity, in order to avoid any question of the propriety of the initial small entity status, applicant hereby revokes the small entity status which it was initially afforded and pays the large entity filing fee.

    The additional/deficiency fee owed is calculated as follows:

        (A) Basic- filing fee for national stage - $1040

        (B) small entity fee actually paid - $520

        (C) additional/deficiency owed - $520

        (D) TOTAL additional/deficiency owed - $520.00

Respectfully submitted,

Date: March 27, 2002

By: Ross F. Hunt, Jr.
Registration   24,082
No.:

LARSON & TAYLOR, PLC • 1199 North Fairfax St. • Suite 900 • Alexandria, VA 22314

Customized FORM PTO-1390 (REV. 12-2001)	U.S. DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE	ATTORNEY DOCKET NO. 10/018054

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO.
(If known. see 37CFR 1.5)
10/018,054

INTERNATIONAL APPLICATION NO. PCT/AU00/00698	INTERNATIONAL FILING DATE 21 June 2000	PRIORITY DATE CLAIMED 21 June 1999

TITLE OF INVENTION: METHOD OF FORMING AN OPTICAL WAVEGUIDE DEVICE

APPLICANT(S) FOR DO/EO/US: CHARTER, Robert B. et al.

Applicant herewith submits to the US Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.

X 2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.

3. This is an express request to begin national examination procedures (35 USC 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.

4. The US has been elected by the expiration of 19 months from the priority date (Article 31).

5. A **copy** of the International Application as filed (35 U.S.C. 371 (c)(2))
  a. is attached hereto (required only if not communicated by the International Bureau).
  b. has been communicated by the International Bureau.
  c. is not required, as the application was filed in the United States Receiving Office (RO/US).

6. An English **translation** of the International Application as filed (35 U.S.C. 371(c)(2)).
  a. is attached hereto.
  b. has been previously submitted under 35 U.S.C. 154(d)(4).

7. Amendments to the claims of the International Appln. under PCT Article 19 (35 USC 371 (c)(3))
  a. are attached hereto (required only if not communicated by the International Bureau).
  b. have been communicated by the International Bureau.
  c. have not been made; however, the time limit for making such amendments has NOT expired.
  d. have not been made and will not be made.

8. An English translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).

X 9. An **oath** or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).

10. An English translation of the annexes to the Int'l Pre. Exam. Report under PCT Article 36 (35 USC 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

X 11. An **Information Disclosure Statement** under 37 C.F.R. 1.97 and 1.98.

X 12. An **Assignment** document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.

13. A **First preliminary amendment**.

14. A Second or Subsequent preliminary amendment.

15. A substitute specification.

16. A change of power of attorney and/or address letter.

17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 & 35 USC 1.821-825.

18. A second copy of the published international application under 35 USC 154(d)(4).

19. A second copy of the English translation of the international application under 35 USC 154(d)(4).

X 20. Other items or information:
  X A copy of the Notification of Missing Requirements under 35 U.S.C. 371.
  X Revocation/Error in Small Entity Status

X In the event that a petition for extension of time is required to be submitted herewith, and in the event that a separate petition does not accompany this response, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many months as are required to render this submission timely. Any fee is authorized in 17(c).

Date: March 27, 2002

LARSON & TAYLOR, PLC • 1199 North Fairfax St. • Suite 900 • Alexandria, VA 22314

U.S. APPLICATION NO. *(If known)* 10/018,054	INTERNATIONAL APPLICATION NO. PCT/AU00/00698	ATTORNEY DOCKET NO. P07446US00/RFH

X 21. The following fees are submitted:	CALCULATIONS *PTO USE ONLY*

Basic National Fee (37 CFR 1.492 (a) (1)-(5):

___ Neither Int'l Prelim. Exam. Fee nor Int'l Search fee paid to USPTO	$1040
___ Search Report has been prepared by the EPO or JPO	$ 890
___ No Int'l Prelim. Ex. fee paid to USPTO but Int'l Search fee paid to USPTO	$ 740
___ International preliminary examination fee paid to USPTPO	$ 710
___ Int'l Prelim. Ex. fee paid to USPTO & all claims satisfied PCT Art. 33(1)-(4)	$ 100

ENTER APPROPRIATE BASIC FEE AMOUNT =	$

X Surcharge of **$130** for furnishing the oath or declaration later than [ ] 20 mos. ___ from the earliest claimed priority date (37 CFR 1.492(e)). [ ] 30 mos. +	$ 130	

CLAIMS	*NUMBER FILED*	*NUMBER EXTRA*	*RATE*		
Total Claims	7 - 20 =	0	X $18 =	$	
Independent Claims	1 - 03 =	0	X $84 =	$	
___ Multiple Dependent Claim(s) (if applicable)			+ $280 =	$	

TOTAL OF ABOVE CALCULATIONS =	$ 130

Applicant claims small entity status. See 37 CFR 1.27. The fees indicated ___ above are reduced by ½.	-	$

SUBTOTAL =	$ 130

Processing fee of **$130** for furnishing the **English translation** later than [ ] 20 mos. ___ from the earliest claimed priority date (37 CFR 1.492(f)). [ ] 30 mos. +	$

TOTAL NATIONAL FEE =	$130	
X **Deficiency owed from attached Revocation/Error in Small Entity Status**	520	
X Fee for recording the enclosed **assignment** (37 CFR 1.21(h)). The assignment must be ___ accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). **$40** per property	+	$ 40

TOTAL FEES ENCLOSED =	$ 690.00	
Amount to be	*Refunded*	$
	Charged	$

X   a.   A **check** in the amount of $690.00 to cover the above fees is enclosed.

     b.   Please charge my Deposit Account No. 12-0555 in the amount of $ to cover the above fees.

X   c.   The Commissioner is hereby authorized to charge any additional fees which may be required, or credit overpayment to Deposit Account No. 12-0555.

Note: *Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.*

SEND ALL CORRESPONDENCE TO: **Ross F. Hunt, Jr.** At the address (below) of **CUSTOMER NO. 00881:** **LARSON & TAYLOR, PLC** **1199 NORTH FAIRFAX ST.** **SUITE 900** **ALEXANDRIA, VA 22314**	Signature: _(signature)_ Name: Ross F. Hunt, Jr. Reg. No.: 24,082 Phone No.: 703-739-4900 Date: March 2/, 2002